the PTD must state the sulfur content is 330 ppm or less.

(3) Alternative PTD language to that specified in paragraph (c)(1) of this section may be used as approved by EPA.

(d) *Batch numbers.* Every batch of certified ethanol denaturant produced or imported at oxygenate production or import facility shall be assigned a number (the ''batch number''), consisting of the EPA-assigned ethanol denaturant producer or importer registration number, the EPA facility registration number, the last two digits of the year in which the batch was produced, and a unique number for the batch, beginning with the number one for the first batch produced or imported each calendar year and each subsequent batch during the calendar year being assigned the next sequential number (e.g. 4321–54321–95–000001, 4321–54321–95–000002, etc.).

§ 80.1612 [Reserved]

§ 80.1613 Standards and other requirements for gasoline additive manufacturers and blenders.

Gasoline additive manufacturers and blenders must meet the following requirements:

(a) Gasoline additive manufacturers, as defined in 40 CFR 79.2(f), who manufacture additives with a maximum allowed treatment rate of 1.0 volume percent or less must meet all the following requirements:

(1) The additive must contribute no more than 3 ppm on a per gallon basis to the sulfur content of gasoline when used at the maximum recommended treatment rate.

(2) The additive manufacturer must maintain records of its additive production quality control activities which demonstrates that the sulfur content of additive production batches complies with the sulfur requirement in paragraph (a)(1) of this section and make these records available to EPA upon request.

(3) The maximum treatment rate on the product transfer document for the additive must state all the following:

(i) The maximum registered concentration.

(ii) The maximum allowed treatment rate which corresponds to the maximum registered concentration. The maximum allowed concentration must be less than 1.0% by volume.

(b) Any person who blends an additive that meets the requirements of paragraph (a) in this section into PCG is not subject to any requirement of this subpart O, except the downstream gasoline sulfur standard of § 80.1604(b) and the prohibition in § 80.1660(f), if all the following conditions are met:

(1) The person blends the additive to PCG at a concentration of less than 1.0% by volume.

(2) The person does not add any other blendstock or additive except for oxygenates meeting the requirements of § 80.1610 and additives meeting the requirements of this section to PCG.

(c) Any person who blends any additive that does not meet the requirements of paragraphs (a) and (b) of this section, is subject to all of the requirements of this subpart O, including the standards and requirements at § 80.1640 that apply to refiners producing gasoline by blending blendstocks into PCG.

(d) Oxygenates subject to the 10 ppm per-gallon sulfur standard and the requirements of § 80.1610 are not subject to the provisions of this section. On any occasion where the additive blender is solely acting as an oxygenate blender, as defined in § 80.2(mm), it is subject to the downstream gasoline sulfur standard of § 80.1604(b) and the prohibition in § 80.1660(e).

§ 80.1614 [Reserved]

§ 80.1615 Credit generation.

(a) Any of the following entities may generate credits under this subpart O:

(1) U.S. refiners, including small refiners under § 80.1620, and refiners owning small volume refineries under § 80.1621.

(2) Importers.

(3) Credits may not be generated by transmix processors, producers or blenders of ethanol and other oxygenates, butane blenders using the flexibilities in § 80.82, or pentane blenders using the flexibilities in § 80.85.

(b) Beginning with the 2014 annual averaging period, the number of credits generated for use in complying with the annual average standards of either subpart H of this part or § 80.1603(a) shall be calculated annually for each

applicable averaging period according to the following equation (pursuant to § 80.310):

$$CR_a = V_a \times (S_{Credit} - S_a)$$

Where:

CR_a = Credits generated for the averaging period.
V_a = Total annual volume of gasoline produced at a refinery or imported during the averaging period.
S_{Credit} =30.00 ppm.
S_a = Actual annual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced at a refinery or imported during the averaging period, exclusive of any credits. The value of S_a must be less than 30.00.

(c) Except as provided in paragraph (d) of this section, beginning with the 2017 annual averaging period, the number of credits generated for use in complying with the annual average standards of § 80.1603(c)(1) shall be calculated annually for each applicable averaging period according to the following equation:

$$CR_a = V_a \times (10 - S_a)$$

Where:

CR_a = Credits generated for the averaging period for use in complying with the annual average standards of § 80.1603(a).
V_a = Total annual volume of gasoline produced at a refinery or imported during the averaging period.
S_a = Actual annual average sulfur level, calculated in accordance with the provisions of § 80.1603(c)(1), for gasoline produced at a refinery or imported during the averaging period, exclusive of any credits. The value of S_a must be less than 10.00.

(d) For approved small refiners and small volume refineries only, the number of credits generated from January 1, 2017 through December 31, 2019 shall be calculated annually for each applicable averaging period as follows:

(1) If a small refiner or small volume refinery has an annual average sulfur level (S_a) (S_a) less than 30.00 ppm but greater than 10.00 ppm from January 1, 2017 through December 31, 2019, the refiner may generate credits using the equation specified in paragraph (b) of this section for use in complying with the annual average standards of subpart H of this part.

(2) If a small refiner or small volume refinery has an annual average sulfur level (S_a) less than 10.00 ppm from January 1, 2017 through December 31, 2019, the refiner may generate credits using the equation specified in paragraph (c) of this section for use in complying with the annual average standards of § 80.1603(c)(1) and the following equation for complying with the annual average standards of subpart H of this part:

$$CR_{T2} = V_a \times (20.00)$$

Where:

CR_{T2} = Credits generated for the averaging period for use in complying with the annual average standards of subpart H of this part only.
V_a = Total annual volume of gasoline produced at a refinery or imported during the averaging period.

(For example: A small refiner with an annual average sulfur level of 8 ppm in 2018 may generate CR_a = 2 ppm-volume credits (10–8) for compliance with the annual average standards of § 80.1603(c)(1) plus CR_{T2} = 20 ppm-volume credits (30–10) for compliance with the annual average sulfur standards of subpart H of this part.).

(3) Beginning January 1, 2020, small refiners and small volume refineries must follow paragraph (c) of this section for calculating credits under this subpart O.

(e) No credits shall be generated—

(1) Under paragraphs (b), (c) and (d) of this section unless the value of CR_a is positive.

(2) Under paragraph (d)(2) of this section unless the value of CR_{T2} is positive.

(f) The values of CR_a and CR_{T2} shall be rounded to the nearest ppm-gallon in accordance with the rounding procedure specified in § 80.9.

(g) A refiner or importer that includes downstream added oxygenates in its RFG or conventional gasoline volume under the provisions of §§ 80.69 and 80.101(d)(4), respectively and §§ 80.340 and 80.1603(d), shall include the downstream added oxygenate for the purpose of generating credits under paragraphs (b) through (d) of this section.

§ 80.1616 Credit use and transfer.

(a) *Credit use.* (1) Only refiners and importers may generate, use, transfer